

QUESTIONS

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Common Right,

*Proper and Necessary to be considered
by all Knights, Gentlemen, Free-holders,
and Commoners of England,
and especially those of the Honourable
Profession of the Law.*

THE true English Government, excellently composed of the three Simple Species, *Monarchy, Aristocracy, and Democracy*, I have long thought, and still think, to be in its Constitution, one of the *Best Governments in the World*; and not more excellent in it self, than well *Accommodated* to the Genius of the People; and which is but the consequence of these, most *Easy to be Exercised*. This I think very true, tho' it hath already within our Memory, suffer'd such dismal *Concussions and Confusions*, and, in my apprehension, is in in so great Danger of more, as if there was nothing of Truth in it. But this doth not proceed from the Constitution; but from other *Causes*: Whereof one is *Secret, The Judgment of God*, for a secret Root of *Bitterness*, little regarded by those, who ought to be most Skillful in discerning, and most Active in amending such Matters. But there are others manifest enough: One is a General Corruption of the *Manners* of
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the People: Another notorious *Corruption of their Deputies and Representatives*, both in *Manners* in general, and in respect of *Justice and the Trust* reposed in them; in which respect, I have known some of themselves laugh, and say, that they are *the true Representatives of the Nation* indeed. And tho' this of it self hath a Tendency to the Dissolution of the Government, yet there is another more dangerous than this, if it be not looked to in time: and that is by *Popular Factions*. For as Monarchies are apt to degenerate into Tyranny, so Democracies are as apt to be dissolv'd by Factions: And tho' in the *English Constitution* there is as good Provision against both these, as *Humane Affairs* are capable of, yet are the Parts of which it is constituted, subject in some sort, to the Corruptions of those simple Species, from which they are derived. What was it but a secret Faction in the Long Parliament, which first cast out the Bishops as Popishly affected, then the Lords as Useless and Dangerous, then the greatest part of the Commons, except themselves, commonly call'd, *The Rump*; then cut off the King's Head; and brought all into such Confusions as could never be settled, until the old Form was restored again? What was it but a Faction, which by no less than three several Acts of Parliament engag'd the Clergy, the Corporations, the Militia, and all the great Officers and Magistrates of the Nation, in such Declarations, as justify or excuse the Adversaries of the late Revolution and make the Severities against them and Pretence of Forfeitures, inexcusable, unjust, and unreasonable? What is it but a Faction, which hath presum'd with so much Insolence to offer such Indignities to a Prince of so Great Courage and Conduct, as hath been commonly believed and talk'd to have been on purpose to affront him? How near have such Factions gone to inflame the Nation, and set up the Monarchy to be Absolute and Arbitrary? And how fairly have they begun to pull down that, and the Aristocratical part, and set up the Democracy, or themselves and they know not what; or rather to introduce an Anarchy, and turn all into the like Confusions again. What such things may come to in time, if neglected, no man knows; but what may be done to prevent the Mischief, is fit to be considered. Miscarriages of Juries may be enquir'd into: And what is done amiss in one Parliament may be rectified in another. And where there is manifestly a Trust reposed, and so great a Trust, it would be such a Fault in this Constitution as I never suspected, if it might be falsified in such Matters as these, and without Remedy. I have therefore thought
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fit to propose the following QUESTIONS to the Consideration of all Persons concern'd, who think fit to concern themselves with them. But into so great Degeneracy, Corruption of Manners and Audacious Impiety, is this Nation Sunk, Thar it is rare to meet with Men, who dare to do their Duty, or so much as assert their Common Rights, or the very Religion they Profess, notwithstanding the Laws both of God and Man on their side, and even where they have not only the greatest *Obligation*, but the greatest *Privilege* to do it that can be. This is manifest beyond all Contradiction by some late Actions of great Insolence, and no less Impiety: So that unless *another Parliament*, and a *Convocation of the Clergy* take the Matter into good Consideration, and provide a speedy Remedy, there is great Danger that the whole Nation will speedily fall into great Confusion.

The QUESTIONS are these:

I. Whether the several *Members of the House of Commons* be not *Authorised* to Sit and Act there, by their respective Counties, Cities, and Burroughs, by Indenture under the Hands and Seals of the Principal Electors for themselves and the rest, as Deputies and Trustees for them all?

II. Whether they ought not to *receive Instructions* from, and in all Matters of moment *consult* and advise with their Principals?

III. Whether it be not *the Right and Duty of every Knight, Gentleman, Freehold, and Commoner of England*, to represent to the House of Commons by their proper Representatives, or any other Member of the House, all such matters of Publick Concern as are proper to be enquir'd of and considered there?

IV. Whether any *Commoner of England* may not require his proper Representative to represent any such Matter to the House?

V. Whether it be not a Breach of Trust in any such Deputy or Representative not to perform what is so required honestly and faithfully?

VI. Whether they be not *accountable for their Behaviour* in Parliament to their Principals, by and for whom they are deputed and intrusted; that is, *questionable* by those of the Counties in their County Court (to which all owe Suit and Service, but many neglect it to their common Prejudice) and those of the Cities and Burroughs in their respective proper Courts and Assemblies, and *Punishable* for any notorious Breach of their Trust upon Complaint in Parliament?

VII. Whether

VII. Whether *Matters* touching the Honour of Religion, the Honour of the King, the common Right of all the Commoners of England, and the Encouragement, or Discouragement of the Execution of the Laws, be not proper Matters to be represented, enquired and considered there?

VIII Whether it be not *Unparliamentary*, a Breach of Trust, and great *Violation of a Fundamental Right of all the Commoners of England*, for a small number of the Members with their Speaker before the House be full, to *Vote that a Petition Exhibited for any such Matter, as aforesaid, should not be read?*

IX. Whether it be Parliamentary or agreeable to the usual Course of Parliaments, to *Vote a Petition or Letter of Complaint* for any Contempt of Religion, or Dishonour or Indignity to the King, or Faction, or Seditious Practices, to be a false and scandalous Libel, and the Complainant to be prosecuted before he hath been heard at the Bar, or had notice to appear and prove his Complaint?

X. Whether the Fundamental and Common Rights of all the Commons of England be not of greater Importance to be Preserved and Maintained Inviolably than any of the Privileges of their Deputies, which they have only in Respect of their Deputation and Trust reposed in them (of which some are often Complained of by their Principals as Abused to their Prejudice?)

XI. Whether it be not the Common Interest of the Government of England, and of all the Commons, and the Duty of every Subject to maintain and defend the Honour and Dignity of the King, when there is occasion, as well as the Rights and Liberties of themselves, and their Fellow-Commoners, by the Common Law of Loyalty and Allegiance, and of all Members of Parliament, Magistrates and Officers, &c. by special Obligation of their Solemn Oath?

XII. Whether all Conspiracies and Practices which have a natural Tendency to dissolve, interrupt, or abate the mutual Confidence that ought to be preserved and maintain'd between the King and the People, and to draw the Affections of the People from the King to the Conspirators; especially when on the one side there is no special Occasion for them more than ordinary; and on the other, there are such Popular Matters in agitation as give great Advantage to such a Design, may not justly be suspected to be Treasonable, and by Consequence ought to be stoutly and resolutely opposed by all Faithful and Loyal Subjects?